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STATE DOCUMENTS  
MAR 22 1972

MONTANA CONSTITUTIONAL CONVENTION

1971-1972

REPORT OF COMMITTEE ON STYLE, DRAFTING, TRANSITION AND SUBMISSION

ON

EDUCATION AND PUBLIC LANDS

*No. X*

Date Reported: March 15, 1972

*John M. Schultz*, Chairman

*William C. Burkhardt*, Vice Chairman



TO: Montana Constitutional Convention

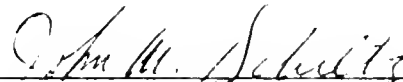
SUBJECT: EDUCATION AND PUBLIC LANDS

Ladies and Gentlemen:


The Committee on Style, Drafting, Transition and Submission transmits revisions of the above Article for consideration of the Convention.

Immediately following this letter you will find the above Article as revised by the Committee. Following that is the Article indicating (by underlining) words we have added and (by crossing out) words we have deleted from the Article as approved. Finally, there is an explanation of the changes we have made.

Sincerely,



John M. Schiltz, Chairman of the  
Committee on Style, Drafting,  
Transition and Submission



William A. Burkhardt, Vice Chairman  
of the Committee on Style, Drafting,  
Transition and Submission



1 BE IT PROPOSED BY THE EDUCATION AND PUBLIC LANDS COMMITTEE:

2 That there be a new Article on Education to read as  
3 follows:

4  
5 ARTICLE \_\_\_\_

6 EDUCATION

7 Section 1. EDUCATIONAL GOALS AND DUTIES. It is the  
8 goal of the people to establish a system of education which  
9 will develop the full educational potential of each person.  
10 Equality of educational opportunity is guaranteed to  
11 each person of the state.

12 (2) The state recognizes the distinct and unique  
13 cultural heritage of the American Indians and is com-  
14 mitted in its educational goals to the preservation of  
15 their cultural integrity.

16 (3) The legislature shall provide a basic system  
17 of quality free public elementary and secondary schools.  
18 The legislature may provide such other educational insti-  
19 tutions, public libraries, and educational programs as it  
20 deems desirable. It shall fund and distribute in an  
21 equitable manner to the school districts the state's share  
22 of the cost of the basic elementary and secondary school  
23 system.

24 Section 2. PUBLIC SCHOOL FUND. The public school  
25 fund of the state shall consist of: (1) Proceeds from the  
26 school lands which have been or may hereafter be granted  
27 by the United States,

28 (2) Lands granted in lieu thereof,

29 (3) Lands given or granted by any person or corporation  
30 under any law or grant of the United States,

1 (4) All other grants of land or money made from the  
2 United States for general educational purposes or no other  
3 special purpose,

4 (5) All interests in estates that escheat to the state,

5 (6) All unclaimed shares and dividends of any corporation  
6 incorporated in the state,

7 (7) All other grants, gifts, devises or bequests made  
8 to the state for general educational purposes.

9 Section 3. PUBLIC SCHOOL FUND INVIOLEATE. The public  
10 school fund shall forever remain inviolate, guaranteed by  
11 the state against loss or diversion.

12 Section 4. BOARD OF LAND COMMISSIONERS. The governor,  
13 superintendent of public instruction, auditor, secretary of  
14 state, and attorney general constitute the board of land  
15 commissioners. It has the direction, control, leasing,  
16 exchange, and sale of the school lands and lands which have  
17 been or may be granted for the support and benefit of the  
18 various state educational institutions, under such regulations  
19 and restrictions as may be provided by law.

20 Section 5. PUBLIC SCHOOL FUND REVENUE. (1) Ninety-  
21 five percent of all the interest received on the public  
22 school fund and ninety-five percent of all rent received  
23 from the leasing of school lands and all other income from  
24 the public school fund shall be equitably apportioned  
25 annually to public elementary and secondary school districts  
26 as provided by law.

27 (2) The remaining five percent of all interest  
28 received on the public school fund, and the remaining  
29 five percent of all rent received from the leasing of  
30 school lands and all other income from the public school

1 fund shall annually be added to the public school fund and  
2 become and forever remain an inseparable and inviolable part  
3 thereof.

4 Section 6. AID PROHIBITED TO SECTARIAN SCHOOLS. (1)  
5 The legislature, counties, cities, towns, school districts,  
6 and public corporations shall not make any direct or indirect  
7 appropriation or payment from any public fund or monies, or  
8 any grant of lands or other property for any sectarian pur-  
9 pose or to aid any church, school, academy, seminary, college,  
10 university, or other literary or scientific institution,  
11 controlled in whole or in part by any church, sect, or  
12 denomination.

13 (2) This section shall not apply to funds from federal  
14 sources provided to the state for the express purpose of  
15 distribution to non-public education.

16 Section 7. NON-DISCRIMINATION IN EDUCATION. No  
17 religious or partisan test or qualification shall be  
18 required of any teacher or student as a condition of  
19 admission into any public educational institution. Atten-  
20 dance shall not be required at any religious service. No  
21 sectarian tenets shall be advocated in any public educational  
22 institution of the state. No person shall be refused admission  
23 to any public educational institution on account of sex,  
24 race, creed, religion, political beliefs, or national  
25 origin.

26 Section 8. SCHOOL DISTRICT TRUSTEES. The supervision  
27 and control of schools in each school district shall be  
28 vested in a board of trustees to be elected as provided by law.

29 Section 9. BOARDS OF EDUCATION. (1) There is a  
30 state board of education composed of the board of regents of

1 higher education and the board of public education.

2 It is responsible for long-range planning, and for coordinating  
3 and evaluating policies and programs for the state's educa-  
4 tional systems. It shall submit unified budget requests. A  
5 tie vote at any meeting may be broken by the governor, who is  
6 an ex officio member of each component board.

7 (2) (a) The government and control of the Montana  
8 university system is vested in a board of regents of higher  
9 education which shall have full power, responsibility, and  
10 authority to supervise, coordinate, manage and control the  
11 Montana university system and shall supervise and coordinate  
12 other public educational institutions assigned by law.

13 (b) The board consists of seven members appointed by  
14 the governor, and confirmed by the senate, to overlapping  
15 terms, as provided by law. The governor and superintendent  
16 of public instruction are ex officio non-voting members of  
17 the board.

18 (c) The board shall appoint a commissioner of higher  
19 education and prescribe his term and duties.

20 (d) The funds and appropriations under the control of  
21 the board of regents are subject to the same audit provisions  
22 as are all other state funds.

23 (3) (a) There is a board of public education to  
24 exercise general supervision over the public school system  
25 and such other public educational institutions as may be  
26 assigned by law. Other duties of the board shall be  
27 provided by law.

28 (b) The board consists of seven members appointed by  
29 the governor, and confirmed by the senate, to overlapping  
30 terms as provided by law. The governor, commissioner of



1 higher education and state superintendent of public instruction  
2 shall be ex officio non-voting members of the board.

3 Section 10. STATE UNIVERSITY FUNDS. The funds of  
4 the Montana university system and of all other state  
5 institutions of learning, from whatever source accruing,  
6 shall forever remain inviolate and sacred to the purpose  
7 for which they were dedicated. The various funds shall be  
8 respectively invested under such regulations as may be  
9 provided by law, and shall be guaranteed by the state  
10 against loss or diversion. The interest from such invested  
11 funds, together with the rent from leased lands or properties,  
12 shall be devoted to the maintenance and perpetuation of the  
13 respective institutions.

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4  
5 ARTICLE \_\_\_\_

6 EDUCATION

7 Section 1. EDUCATIONAL GOALS AND DUTIES ~~OF-THE-STATE~~.

8 (1) It ~~shall-be~~ is the goal of the people ~~of-Montana~~ to  
9 ~~provide-for-the~~ establishment-~~of~~ a system of education which  
10 will develop the full educational potential of each person.  
11 Equality of educational opportunity ~~shall-be~~ is guaranteed  
12 to each person of the state.

13 (2) The state recognizes the distinct and unique  
14 cultural heritage of the American Indians and is committed  
15 in its educational goals to the preservation of their  
16 cultural integrity.

17 ~~(2)~~ (3) The legislature shall provide ~~for~~ a basic  
18 system of quality free public elementary and secondary  
19 schools. The legislature may ~~also~~ provide ~~for~~ such other  
20 educational institutions, public libraries, and educational  
21 programs as ~~are-deemed~~ it deems desirable. It shall fund  
22 and distribute in an equitable manner to the school districts  
23 ~~of-the-state~~ the state's share of the cost of the basic  
24 elementary and secondary school system.

25 Section 2. PUBLIC SCHOOL FUND. The public school  
26 fund of the state shall consist of: the (1) proceeds of  
27 such from the school lands as which have heretofore been  
28 granted; or may hereafter be granted; ~~to-the-state~~ by the  
29 ~~general-government~~ known as school lands; United States,  
30 ~~and-these~~ (2) Lands granted in lieu of-~~such;~~ thereof,

1     (3) Lands acquired given or granted by gift or grant from  
2     any person or corporation under any law or grant of the  
3     ~~general government, United States, and of~~ (4) aAll other  
4     grants of land or money made ~~to the state~~ from the ~~general~~  
5     ~~government~~ United States for general educational purposes;  
6     or where no other special purpose, ~~is indicated in such~~  
7     ~~grant;~~ (5) aAll interests in estates; ~~or distributive~~  
8     ~~shares of estates~~ that may escheat to the state; (6) aAll  
9     unclaimed shares and dividends of any corporation incorpor-  
10    ~~ated under the laws of~~ in the state, and (7) aAll other  
11    grants, gifts, devises or bequests made to the state for  
12    general educational purposes.

13           Section 3. PUBLIC SCHOOL FUND INVIOLEATE. The public  
14    school fund shall forever remain inviolate, guaranteed by  
15    the state against loss or diversion.

16           Section 4. BOARD OF LAND COMMISSIONERS. The governor,  
17    superintendent of public instruction, ~~state~~ auditor, secre-  
18    tary of state, and attorney general shall constitute the  
19    ~~state~~ board of land commissioners, ~~which shall have~~ It has  
20    the direction, control, leasing, exchange, and sale of the  
21    school lands ~~of the state;~~ and the lands ~~granted or~~ which  
22    have been or may hereafter be granted for the support and  
23    benefit of the various state educational institutions, under  
24    such regulations and restrictions as may be ~~prescribed~~  
25    provided by law.

26           Section 5. PUBLIC SCHOOL FUND REVENUE. (1) Ninety-  
27    ~~five percentum~~ ~~{95%}~~ of all the interest received on the  
28    public school funds ~~of the state;~~ and ninety-five percentum  
29    ~~{95%}~~ of all rents received from the leasing of school lands  
30    and ~~of~~ all other income from the public school funds shall

1 be equitably apportioned annually to public elementary and  
2 secondary school districts as provided by law.

3 (2) The remaining five percentum-~~{5%}~~ of all the  
4 interest received on the public school funds-~~of-the-state~~,  
5 and the remaining five percentum-~~{5%}~~ of all the rents  
6 received from the leasing of school lands and ~~of~~ all other  
7 income from the public school funds, shall annually be  
8 added to the public school funds-~~of-the-state~~-and become  
9 and forever remain an inseparable and inviolable part  
10 thereof.

11 Section 6. AID PROHIBITED TO SECTARIAN SCHOOLS. (1)  
12 Neither ~~t~~The legislative-assembly legislature, nor-any  
13 county counties, city cities, town towns, or school dis-  
14 tricts, ~~or-ether~~ and public corporations, shall ever not  
15 make ~~directly-or-indirectly~~, any direct or indirect appro-  
16 priation, or pay payment from any public fund or monies  
17 whatever, or make any grant of lands or other property  
18 for any sectarian purpose or to in aid of any church, or  
19 ~~for-any-sectarian-purpose,-or-to-aid-in-the-support-of-any~~  
20 school, academy, seminary, college, university, or other  
21 literary, or scientific institution, controlled in whole  
22 or in part by any church, sect, or denomination whatever.

23 (2) This section shall not apply to funds from federal  
24 sources provided to the state for the express purpose of  
25 distribution to non-public education.

26 Section 7. NON-DISCRIMINATION IN EDUCATION. No  
27 religious or partisan test or qualification shall ever be  
28 required of any ~~person~~ teacher or student as a condition  
29 of admission into any public educational institution of  
30 the-state, ~~either-as-teacher-or-student,-nor-shall~~

1 aAttendance shall not be required at any religious service.  
2 ~~whatever, nor shall any~~ No sectarian tenets shall be advocated  
3 in any public educational institution of the state, ~~nor shall~~  
4 ~~any~~ No person shall be ~~debarred~~ refused admission to any public  
5 educational institution ~~of learning~~ on account of sex, race,  
6 creed, religion, political beliefs, or national origin.

7 Section 8. SCHOOL DISTRICT TRUSTEES ELECTIONS. The  
8 supervision and control of schools in each school district  
9 shall be vested in a ~~school~~ board. ~~The legislative assembly~~  
10 ~~shall provide for elections of school district~~ trustees to  
11 be elected as provided by law.

12 Section 9. ~~{1}~~ STATE BOARDS OF EDUCATION. (1) There  
13 ~~shall be~~ is a state board of education composed of the Board  
14 of regents of higher education ~~Public Education~~ and the Board  
15 of public education ~~Regents of Higher Education as hereafter~~  
16 ~~designated~~. It ~~shall be~~ is responsible for long-range planning,  
17 and for coordinating and ~~evaluation of~~ evaluating policies,  
18 and programs, for the state's educational systems. It shall  
19 submit unified budget requests. ~~In case of a~~ A tie vote at  
20 ~~a~~ any meeting may be broken by the governor, who is an ex  
21 officio member of each component board, ~~may cast a vote.~~

22 ~~{2}~~ (3) BOARD OF PUBLIC EDUCATION. (a) There ~~shall be~~  
23 is a board of public education ~~which shall~~ to exercise general  
24 supervision over the public school system and such other  
25 public educational institutions as may be assigned by law.  
26 Other duties of the board shall be provided by law. (b) Said  
27 The board ~~shall~~ consists of seven members appointed by the  
28 governor, ~~with confirmation of~~ and confirmed by the senate,  
29 to overlapping terms as provided by law. The governor,  
30 commissioner of higher education and state superintendent of

1 public instruction shall be ex officio non-voting members of  
2 the board. ~~The duties of this board and of the superintendent~~  
3 ~~of public instruction shall be prescribed by law.~~

4 {3} (2) (a) The government and control of the Montana  
5 ~~University System shall be~~ is vested in a board of regents  
6 ~~of higher education who shall be selected as provided herein.~~  
7 ~~The regents which~~ shall have full power, responsibility, and  
8 authority to supervise, coordinate, manage and control the  
9 Montana ~~University System~~ and shall supervise and coordinate  
10 other public educational institutions ~~which may be~~ assigned by  
11 law. (b) ~~Said The~~ board ~~shall~~ consists of seven members  
12 appointed by the governor, and confirmed by the senate, to  
13 overlapping terms, ~~subject to confirmation by the senate,~~  
14 under regulations as provided by law. ~~The board shall~~  
15 ~~appoint a commissioner of higher education and prescribe his~~  
16 ~~term and duties.~~ The governor and superintendent of public  
17 instruction ~~shall be~~ are ex officio non-voting members of  
18 this the board. (c) The board shall appoint a commissioner  
19 of higher education and prescribe his term and duties. (d)  
20 The funds and appropriations under the control of the board  
21 of regents shall be are subject to the same audit provisions  
22 as are all other state funds of the state.

23 Section 10 12. STATE UNIVERSITY FUNDS. The funds of the  
24 state Montana university system and of all other state  
25 institutions of learning, from whatever source accruing,  
26 shall forever remain inviolate and sacred to the purpose for  
27 which they were dedicated. The various funds shall be  
28 respectively invested under such regulations as may be ~~pre-~~  
29 ~~scribed~~ provided by law, and shall be guaranteed by the state  
30 against loss or diversion. The interest ~~of said~~ from such

1     invested funds, together with the rents from leased lands  
2     or properties, shall be devoted to the maintenance and  
3     perpetuation of ~~these~~ the respective institutions.

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1 BE IT PROPOSED BY THE EDUCATION AND PUBLIC LANDS COMMITTEE:

2 That there be a new Article on Public Lands to read  
3 as follows:

4  
5 ARTICLE \_\_\_\_

6 PUBLIC LANDS

7 Section 1. PUBLIC LAND TRUST, DISPOSITION. (1) All  
8 lands of the state that have been or may be granted by  
9 congress, or acquired by gift or grant or devise from any  
10 person or corporation, shall be public lands of the state.  
11 They shall be held in trust for the people, to be disposed  
12 of as hereafter provided, for the respective purposes for  
13 which they have been or may be granted, donated or devised.

14 (2) No such land or any estate or interest therein  
15 shall ever be disposed of except in pursuance of general  
16 laws providing for such disposition, or until the full  
17 market value of the estate or interest disposed of, to be  
18 ascertained in such manner as may be provided by law, has  
19 been paid or safely secured to the state.

20 (3) No land which the state holds by grant from the  
21 United States which prescribes the manner of disposal and  
22 minimum price shall be disposed of except in the manner and  
23 for at least the price prescribed without the consent of the  
24 United States.

25 (4) All public land shall be classified by the board  
26 of land commissioners in a manner provided by law. Any  
27 public land may be exchanged for other land, public or  
28 private, which is equal in value and, as closely as  
29 possible, equal in area.  
30

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8 of the state that have been or ~~that~~ may hereafter be granted  
9 ~~to-the-state~~ by congress, ~~and-all-lands~~ or acquired by gift or  
10 grant or devise, from any person or corporation, shall be  
11 public lands of the state, ~~and~~ They shall be held in trust for  
12 the people, to be disposed of as hereafter provided, for  
13 the respective purposes for which they have been or may be  
14 granted, donated or devised, ~~and-none-of~~

15 (2) No such land, nor any estate or interest therein,  
16 shall ever be disposed of except in pursuance of general laws  
17 providing for such disposition, ~~nor unless~~ until the full market  
18 value of the estate or interest disposed of, to be ascertained  
19 in such manner as may be provided by law, ~~be~~ has been paid or  
20 safely secured to the state, ~~nor-shall-any~~

21 (3) No lands which the state holds by grant from the United  
22 States ~~in-any-case-in~~ which prescribes the manner of disposal  
23 and minimum price ~~are-so-prescribed~~ shall be disposed, of  
24 except in the manner and for at least the price prescribed ~~in~~  
25 ~~the-grant-thereof~~, without the consent of the United States. ~~Said~~

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27 land commissioners in a manner prescribed provided by law. Any  
28 ~~of-said~~ public lands may be exchanged for other lands, public  
29 or private, which ~~are~~ is equal in value and, as closely as  
30 possible, equal in area.

EDUCATION - Report No. X

Comments on Style, Form, and Grammar

Section 1. Deletions remove two "false imperatives"; they do not alter substance. That comment follows upon the conclusion that there is no substantive difference between "provide" and "provide for."

Section 2. Serving the cause of comprehension by ordering does not alter substance.

Section 4. Changes do not alter substance.

Section 5. Changes do not alter substance.

Section 6. Changes do not alter substance.

Section 7. No change in substance.

Section 8. The title was changed to accord with the substance.

Section 9. Deleting subsection titles and reordering does not change substance.

Section 10. (Renumbered from 12). No change in substance.

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PUBLIC LANDS

Section 1. Providing subsections and altering style do not change substance.









ORDER OF BUSINESS NO. 5 - FINAL CONSIDERATION

STYLE AND DRAFTING - EDUCATION - REPORT NO. X

ARTICLE

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16 (c) The board shall appoint a commissioner of higher  
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8 against loss or diversion. The interest from such invested  
9 funds, together with the rent from leased lands or properties,  
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11 respective institutions.

1 ORDER OF BUSINESS NO. 5 - FINAL CONSIDERATION  
2 STYLE & DRAFTING - PUBLIC LANDS - Report NO. X

3 ARTICLE \_\_\_\_

4 PUBLIC LANDS

5 Section 1. PUBLIC LAND TRUST, DISPOSITION. (1) All  
6 lands of the state that have been or may be granted by  
7 congress, or acquired by gift or grant or devise from any  
8 person or corporation, shall be public lands of the state.  
9 They shall be held in trust for the people, to be disposed  
10 of as hereafter provided, for the respective purposes for  
11 which they have been or may be granted, donated or devised.

12 (2) No such land or any estate or interest therein  
13 shall ever be disposed of except in pursuance of general  
14 laws providing for such disposition, or until the full  
15 market value of the estate or interest disposed of, to be  
16 ascertained in such manner as may be provided by law, has  
17 been paid or safely secured to the state.

18 (3) No land which the state holds by grant from the  
19 United States which prescribes the manner of disposal and  
20 minimum price shall be disposed of except in the manner and  
21 for at least the price prescribed without the consent of the  
22 United States.

23 (4) All public land shall be classified by the board  
24 of land commissioners in a manner provided by law. Any  
25 public land may be exchanged for other land, public or  
26 private, which is equal in value and, as closely as  
27 possible, equal in area.  
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